

Application No. 09/930,780
Art Unit: 2154
Response to Office Action mailed
October 22, 2004
Attorney Docket No. 40026XXX2

REMARKS

Claims 10-32 were pending in the application. Claims 10, 28, and 24 have been amended. Accordingly, claims 10-32 are presented for reconsideration and further examination in view of the following remarks.

In the outstanding Office Action, the Examiner indicated that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 USC § 120; made a requirement for a new title; rejected claims 10-23, 26, and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,424,903 to Schreiber in view of U.S. Patent No. 5,619,722 to Lovrenich; and rejected claims 24, 25, 27, and 29-32 under 35 U.S.C. § 102(b) as being anticipated by Schreiber.

By this Response claims 10, 18, and 24 are amended, and the prior art rejections are traversed. Support for the added features in claims 10 and 24 can be found at least for example in Figure 1, and in the specification page 5, lines 9-20. Claim 18 has been amended to correct a typographical error. Arguments in support thereof are provided.

It is further respectfully submitted that the proposed amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Interview

In an interview with Examiner Ashokkumar Patel and Primary Examiner Larry Donaghue on November 22, 2004, Applicants' Representative, Teresa M. Arroyo, presented a draft amended claim 24 and proposed new claim 33, and discussed how claims 10-33 distinguished over the cited references.

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Priority

The Examiner indicated that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 USC § 120. The Examiner also indicated that the instant application incorporates a user display disposed on a vertical strip enclosure whereby a user may observe information relative to the amount of current flowing through the power input and plurality of power outputs as shown in Fig. 1, element 104. The Examiner was unable to locate this feature in Application Nos. 09/375,471 [sic] (now U.S. Patent No. 6,711,613) and 08/685,436 (now U.S. Patent No. 5,949,974). Therefore, the Examiner considers the subject matter of this application as having a priority date of December 8, 2000.

In response, this application is a Continuation-In-Part (CIP) of Application No. 09/732,557, filed December 8, 2000. This CIP is an application filed during the lifetime of earlier non-provisional Application No. 09/732,557, repeats some substantial portion of the earlier non-provisional application, and *adds matter not disclosed* [emphasis added] in the earlier non-provisional application. (*In re Klein*, 1930 C.D. 2, 393 O.G. 519 (Comm'r Pat. 1930)). The matter not disclosed in Application No. 09/732,557 includes at least the user display. Therefore, Applicants respectfully submit that this Continuation-In-Part application can properly claim the benefit of the prior non-provisional application under 35 U.S.C. § 120.

"Unless the filing date of the earlier non-provisional application is actually needed, for example, in the case of an interference or to overcome a reference, there is no need for the Office to make a determination as to whether the requirement of 35 U.S.C. § 120, that the earlier non-provisional application discloses the invention of the second application in the manner provided by the first paragraph of 35 U.S.C. § 112, is met and whether a substantial portion of all of the earlier non-provisional application is repeated in the second application in a continuation-in-part situation." MPEP 201.08.

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Accordingly, Applicants respectfully request that this CIP application be permitted to claim the benefit of the filing date of the earlier non-provisional application since Applicant has complied with the following formal requirements of 35 U.S.C § 120:

- (A) The first application 09/732,577 and this continuation-in-part application 09/892,350 were filed with at least one common inventor, Carrel Ewing and Andrew Cleveland;
- (B) This continuation-in-part application 09/930,780 was "filed before the patenting or abandonment of or termination of proceedings on the first application issued or an application similarly entitled to the benefit of the filing date of the first application (09/732,577 is still pending)"; and
- (C) This continuation-in-part application "contains or is amended to contain a specific reference to the earlier filed application." (The specific reference is on the first line of the specification of this application.)

Specification

The Examiner indicated that the title of the invention is not descriptive, made a requirement for a new title, and suggested the title: --REMOTELY CONTROLLED RACK MOUNT ELECTRICAL POWER DISTRIBUTION PLUGSTRIP--.

In response, Applicants accept Examiner's proposed change to the title. Applicants respectfully request that the requirement be withdrawn.

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Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 10-23, 26, and 28 as being unpatentable over Shreiber in view of Lovrenich. Reconsideration and withdrawal of the rejection is respectfully requested.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

It is respectfully submitted that the combination of references fails to teach or suggest all of the claim limitations as set forth in independent claim 10.

The present invention discloses a vertical-mount electrical power distribution plugstrip that frees up vertical rackmount space for other equipment. The plugstrip also allows a network console operator to control the electrical power status of a router or other network device.

Amended claim 10 recites a combination of features, including for example, *inter alia*, a plugstrip having a length longer than its width, and a user display disposed on the plugstrip and adjacent to the plurality of power outputs.

In contrast with amended claim 10 of the present invention, Schreiber discloses an intelligent power switching system for controlling the electrical connection of a power source to a plurality of outputs. Remote control unit 14 comprises six light emitting diodes (LEDs) 27a-27f that indicate when power is being applied to a particular system. Power strip 16 is connected via an electrical cord 30 to a wall outlet 28 for providing current to six outputs or outlets 32a-32f. See column 3, line 56 to column 4, line 11.

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However, Schreiber does not disclose at least the features of paragraph E. of amended claim 10 of the instant application, namely, a user display disposed on the vertical strip enclosure and adjacent to the plurality of power outputs, the user display providing information being related to the amount of current flowing through at least one among the power input and said plurality of power outputs.

Even *assuming arguendo* that the LED displays 27a-27f in Schreiber are disposed on a face of the remote control unit 14 that is connected to the power strip 16; the LEDs 27a-27f are not disposed on the same enclosure 16 and adjacent to the outlets 32a-32e as recited in amended claim 10 of the present invention. Further, the remote control unit 14 is not a plugstrip as described in the present invention. In fact, the remote control unit 14 is a separate and distinct enclosure from the power strip 16 in Schreiber.

The Examiner correctly states that Schreiber does not disclose a user display, and cites Lovrenich as curing the deficiencies of Schreiber.

In further contrast with amended claim 10 of the present invention, Lovrenich teaches an addressable communication port expander. Figure 1 shows a plurality of remote peripheral devices including a digital ammeter 24. The addressable computer interface 30 receives an address signal from the computer 32 in order to determine with which of the remote peripheral devices 20, 22, 24, 26, or 28 to establish a bidirectional data communication path. As an example, if the computer inquires the present voltage measurement from voltmeter 22, the voltmeter 22 would then transmit a data signal which represents the measurement through the interface 30 for reception by the computer 32. See column 6, lines 29-59.

Although the peripheral devices, including digital voltmeter 22 transmit data which represents the measurement regarding voltage, the digital ammeter 24 is not disposed on a face

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of any vertical strip enclosure. In fact, digital ammeter 24 merely peripherally interfaces with a computer and there is no discussion of a plugstrip or power outlets anywhere in the reference.

Applicants respectfully submit that Schreiber and Lovernich do not teach or suggest the above features of amended claim 10 of the present invention. The Applicants therefore respectfully submit that the claims as presently presented patentably define over these references taken alone or in combination.

There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings. See MPEP 2143.01. Applicants respectfully submit that there is no suggestion to modify or combine the two teachings. Schreiber teaches controlling an electrical connection of a power source to a plurality of outputs. See Abstract. Whereas, Lovernich teaches providing a computer interface for a plurality of addressable multiplexed output ports to interface with remote peripheral devices. See column 3, lines 8-14. Therefore, Schreiber teaches controlling power, while Lovernich teaches computer interfacing. Thus, Applicants submit that there is a lack of suggestion of the desirability of combining these two references.

Since, as claims 11-23 depend from claim 10, these claims are also allowable. In addition, Applicants respectfully submit that since claims 26 and 28 depend from claim 24, they should not have been including in this rejection. However, the arguments below corresponding to dependent claims 26 and 28.

Accordingly, reconsideration and withdrawal of the rejection of claims 10-23, 26, and 28 under 35 U.S.C. § 103(a) is respectfully requested.

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Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 24, 25, 27, and 29-32 as being anticipated by Shreiber. Reconsideration and withdrawal of the rejection is respectfully requested.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that Shreiber fails to disclose each and every element as set forth in independent claim 24.

Amended Claim 24 recites a combination of features, including for example, *inter alia*, a plugstrip having a length longer than its width, and a digital display disposed on another area of the plugstrip and adjacent to the plurality of power outputs.

As discussed above, regarding amended claim 10, Schreiber does not disclose a current display. Further, although the LEDs 27a-27f in Schreiber may be displays, they do not display current and are not located on the enclosure 16 with the plurality of power outlets 32a-32f as recited in amended claim 24.

Applicants respectfully submit that Schreiber do not disclose each and every element as set forth in amended claim 24 of the present invention. The Applicants therefore respectfully submit that the claim as presently presented patentably define over this reference taken alone or in combination.

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Since, as claims 25-32 depend from claim 24, these claims are also allowable. Accordingly, reconsideration and withdrawal of the rejection of claims 24, 25, 27, and 29-32 under 35 U.S.C. § 102(b) is respectfully requested.

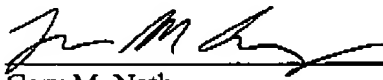
CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact may expedite the prosecution of the application. Favorable action with an early allowance of the claims is earnestly solicited.

Respectfully submitted,

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